UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/52/913
21 May 1998

ORIGINAL: ENGLISH

Fifty-second session
Agenda items 39, 97 and 98

OCEANS AND THE LAW OF THE SEA

SUSTAINABLE DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

Letter dated 20 May 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to the enclosed document, which reflects the position of the Islamic Republic of Iran concerning the statement dated 13 February 1998 by the Kazakhstan Foreign Ministry on the results of the Kazakhstan-Russian consultations on questions relating to the legal status of the Caspian Sea (see annex).

I shall be grateful if you could have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda items 39, 97 and 98.

(Signed) Majid TAKHT-RAVANCHI
Ambassador
Chargé d'affaires a.i.

98-14177 (E) 220598 270598

ANNEX

Statement of the Foreign Ministry of the Islamic Republic of Iran on the results of the Kazakhstan-Russian consultations reflected in the statement dated 13 February 1998 of the Kazakhstan Foreign Ministry

The present legal regime governing the Caspian Sea has been provided for in the Treaty of Amity concluded between Iran and Russia on 26 February 1921, as well as the Iran-USSR Commerce and Navigation Agreement of 25 March 1940 and the letters annexed thereto. Those instruments contain no provisions whatsoever relating to the delimitation of the Caspian Sea. Therefore, as long as the legal regime of the Caspian Sea is not complemented with the agreement of all coastal States, the existing legal regime established by the above-mentioned instruments remains binding and any attempt to divide the Caspian Sea is unacceptable. Consequently, the inclusion of such terms as the "Kazakhstan Part" or the "Russian Part" in the recent statement by the Presidents of the Russian Federation and Kazakhstan is in contravention of the existing legal regime and of the agreement reached among the coastal States in Ashgabat on 12 November 1996.

Moreover, not only are the above-mentioned treaties binding upon all successor States of the former Union of Soviet Socialist Republics in accordance with the recognized rules and principles of international law, but the said successor States have also undertaken, in accordance with the Alma Ata Declaration of 21 December 1991, to discharge the international obligations deriving from treaties concluded by the former USSR.

While the Islamic Republic of Iran welcomes every initiative on the part of the coastal States to restore order in and organize the affairs of the Caspian Sea, it deems as unacceptable any action taken without the concurrence of all coastal States and emphasizes, once again, that such actions shall neither establish any right for the State from which they emanate nor create an obligation for third States.

On the basis of the foregoing, especially the 1996 Communiqué of Foreign Ministers, the Islamic Republic of Iran invites all coastal States of the Caspian Sea to use their utmost endeavours, in a spirit of good will and mutual understanding, to complement the legal regime of the Caspian Sea in a manner consistent with the imperatives of sustainable development, to ensure the interests of all coastal States, with a view to preserving that body of water for future generations and transforming it eventually into a sea of peace, amity and cooperation.